

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)

Plaintiffs,)

v.)

ED FISHER, et al.,)

Defendants.)

Cause No.: 4:08-CV-00353-TCM

ORDER

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132. Defendant Ed Fisher, an individual d/b/a DemEx, was served with the summons and complaint on March 26, 2008, and defendant Billie Moore, an individual d/b/a DemEx, was served with the summons and complaint on May 1, 2008. Neither defendant has filed an answer or otherwise entered his appearance. Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved this Court for an order compelling defendants to submit to a financial compliance examination so that plaintiffs can determine the amounts allegedly owed.

Plaintiffs have established that defendants are bound by a collective bargaining agreement with Laborers Local Unions 42-53-110. This agreement requires defendants to submit contributions to the Laborers Funds, and authorizes plaintiffs to examine the financial records of defendants to ascertain whether the required contributions were made. The only way in which plaintiffs can determine the amount owed is through such financial compliance examination.

WHEREFORE, defendants are hereby ordered to provide to plaintiffs within thirty (30) days of the date of this Order all of their books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to defendants' employees since October 4, 2006.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATE: 5/30/08